

REMARKS

In the Office Action mailed July 23, 2003, claims 2, 13 and 24 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention. Claims 1-33 are rejected under 35 USC §103(a) as being unpatentable over Moore et al. US Patent 5,930,759) in view of Walker et al. (US Patent 6,119,093).

In response to the rejection of claims 2, 13 and 24 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention, Applicants have amended the claims to refer to “a client.” Applicants submit that the claims are no longer indefinite.

In response to the rejection of the claims under 35 USC §103(a), Applicants have amended the claims to more clearly distinguish over the prior art. In particular, Applicants have amended each independent claim to include evaluating a line item “during the processing of an insurance claim.” Applicants submit that neither cited reference, alone or in combination, discloses or suggests evaluating line item data during the processing of an insurance claim.

In particular, the primary reference Walker relates to the syndicated sale of an insurance policy. A processor receives policy information relating to the insurance policy, and transmits the policy information for viewing by potential investors. The processor extends invitations to make offers to purchase shares of the policy in syndication, thereby forming an ad hoc syndicate for that policy. Each share has an associated risk cost, which may be defined as the maximum exposure for the buyer of the share. The risk cost is thus the amount assessable to the buyer if the insurance policy is paid out. The processor also receives the offers to purchase shares of the insurance policy, where each offer includes information identifying a collateral security against

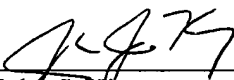
which the risk cost may be charged in the event of a payout of the insurance policy. In particular, the collateral security may be a line of credit associated with a credit card account. The processor may communicate with the credit card issuer to determine the available amount of unused credit line, and electronically initiate a credit freeze sufficient to cover the risk cost. However, Walker fails to disclose or suggest evaluating line item data during the processing of an insurance claim as claimed by Applicants.

Moore is cited for disclosing fulfilling the placement of at least one order based on the evaluation of the line item data. However, Moore also fails to disclose or suggest evaluating line item data during the processing of an insurance claim as claimed by Applicants. Moore is directed to a system or network for assembling, filing and processing health care data transactions and insurance claims made by patients pursuant to health care policies issued to the patients by insurance companies or other carriers for service provided to the patients at health care facilities. The network comprises a multitude of participating patients, a multitude of health care facilities, and a plurality of insurance companies or other carriers. Each of the patients has a personal data file including a set of patient related data encoded in a machine readable format. Each of the health care facilities has a telecommunications unit and a file reader to read the data on the personal data files and to transmit the patient related data to the telecommunications unit at the facility. The network further includes a central claims processing unit connected to the telecommunications units of the health care facilities to receive the electronic claim forms from those facilities and to adjudicate those claims. However, unlike Applicants' invention, Moore does not disclose or suggest evaluating line item data during the processing of an insurance related claim or the fulfilling the placement of an order during the processing of an insurance

claim. Accordingly, any combination of the references would not lead to Applicants invention as claimed.

Applicants respectfully submit that the claims as amended are allowable over the cited art, and respectfully requests reconsideration of the claims.

Respectfully submitted,



John J. King
Registration No. 35,918
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200